[Mr. P. Govinda Menon]
consumption. That is to say, foreign liquor can be possessed without limitation. The possession of country liquor like arrack, toddy, etc., in excess of the limits prescribed by Government under section 13 is an offence. The limits of private possession of foreign liquor is inapplicable to cases contemplated in the second proviso to section 13 and so the possession of any quantity of foreign liquor by a person for his bonafide private consumption will not be an offence. This is an anomalous position. By this amendment, Government gets power to fix the limits for the possession of foreign liquor whether it is for bonafide consumption or not. There is a similar amendment in the Madras Abkari Act. These are the main provisions of the Bill.

Motion put and carried

Secretary to the Assembly: The title of the Bill is "The Cochin Abkari Act (Amendment) Bill."

Mr. P. Govinda Menon *(Minister for Finance and Law):* I pray that the Standing Order may be suspended.

Mr. President: Yes. The Standing Order 32 is suspended.

Mr. P. Govinda Menon *(Minister for Finance and Law):* I move that the Bill be taken into consideration.

Mr. E. Ikkanda Warriar *(Prime-Minister):* I second it.

Motion put and carried

Clause 2 put and carried

Clause 1 put and carried

Title and preamble put and carried

Mr. P. Govinda Menon *(Minister for Finance and Law):* Sir, I move that the Bill be taken up and finally passed to-morrow.

Mr. E. Ikkanda Warriar *(Prime Minister):* I second it.

Motion put and carried

(ii) The Cochin Vakils Act (Amendment) Bill

Mr. P. Govinda Menon *(Minister for Finance and Law):* Sir, I move that the Cochin Vakils Act (Amendment) Bill be read in Assembly.

Mr. E. Ikkanda Warrier *(Prime Minister):* I second it.

Mr. P. Govinda Menon *(Minister for Finance and Law):* This amendment is only for the purpose of enabling the High Court and fix and regulate the fees payable in respect of the fees due to a vakil as distinguished from an advocate. The Cochin Bar Council's Act empowers the High Court to frame similar rules in respect of Advocates. The Cochin Vakils' Act provides that the High Court with the sanction of the Government may frame such rules. When the High Court is empowered under the Bar Council's Act to frame rules without Government sanction even in respect of advocates, it is only proper that they should be so empowered in the case of vakils who are entitled to appear only in subordinate courts. Further the Vakils' Act empowers rules to be framed only for the purpose of payment of fees by the adversary to his own vakil. These are the points for which the amendment Bill is being introduced.

Motion put and carried

Secretary to the Assembly: The title of the Bill is "The Cochin Vakils' Act (Amendment) Bill".

Mr. P. Govinda Menon *(Minister for Finance and Law):* Sir, I move that the Standing Order 32 be suspended.

Mr. President: Standing Order 32 is suspended.

Mr. P. Govinda Menon *(Minister for Finance and Law):* I move that the Bill be taken into consideration.

Mr. E. Ikkanda Warriar *(Prime Minister):* I second it.

Motion put and carried

Clause 2 put and carried

Clause 1 put and carried

Title and Preamble put and carried

Mr. P. Govinda Menon *(Minister for Finance and Law):* Sir, I move that the Bill be taken up and finally passed tomorrow.

Mr. E. Ikkanda Warriar *(Prime Minister):* I second it.

Motion put and carried

(iii) The Cochin Tea Cultivation Restriction Act (Amendment) Bill

Mr. P. Govinda Menon *(Minister for Finance and Law):* Sir, I move that the Cochin Tea cultivation Restriction Act (Amendment) Bill be read in Assembly.

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Mr. E. Ikkanda Warriar *(Prime Minister):* I second it.

Mr. P. Govinda Menon *(Minister for Finance and Law):* The International Trade agreement for regulation of the export of tea and for the control of extension of tea cultivation expired on 31st March 1948. Government of India had however with the consent of all the parties concerned entered into an interim arrangement for continuing the arrangement for two years more and amended their Act for their purpose and certain other purposes consequent on recent constitutional changes in India and have asked this Government to do so. It is to implement their proposal that it has been proposed to introduce the present Bill. The amendments are consequential to this proposal. The Bill is of a formal character.

Motion put and carried

Secretary to the Assembly: The title of the Bill is "The Cochin Tea Cultivation Restriction Act (Amendment) Bill"

Mr. P. Govinda Menon *(Minister for Finance and Law):* Sir, I pray that the Standing Order 32 may be suspended.

Mr. President: Yes, Standing Order 32 is suspended.

Mr. P. Govinda Menon *(Minister for Finance and Law):* I move that the Bill be taken into consideration.

Mr. E. Ikkanda Warriar *(Prime Minister):* I second it.

Motion put and carried

Clause 2 to 7 put and carried

Clause 1 put and carried

Title and Preamble put and carried

Mr. P. Govinda Menon *(Minister for Finance and Law):* Sir, I move that the Bill be taken up and finally passed to-morrow.

Mr. E. Ikkanda Warriar *(Prime Minister):* I second it.

Motion put and carried

(iv) The United Nations Security Council and Privileges and Immunities Acts (Application) Bill

*Mr. P. Govinda Menon** *(Minister for Finance and Law):* Sir, I move that the United Nations Security Council and Privileges and Immunities Acts (Application) Bill be read in the Assembly.

Mr. E. Ikkanda Warriar *(Prime Minister):* I second it.

Mr. P. Govinda Menon *(Minister for Finance and Law):* The principles of this Bill can very easily be stated. India, as the House knows, is one of the members of the United Nations Organisation. Under Article 41 of the Charter of the United Nations signed at San Francisco on the 26th day of June 1945, the Security Council of the United Nations calls upon all its member Governments to apply any measures not involving the use of armed forces to give effect to any decision of that Council, that is to say, application of sanction. This Charter, having been signed by all the member nations of the United Nations Organisation, it has become the duty of every member nation to enact legislations to carry out this object. Accordingly, India, which is one of the members, passed a legislation in the Central Assembly called the United Nations Security Council Act 1947. Now for International purposes, Cochin State is a part of India, and therefore the legislation enacted by the Central Legislature in pursuant to undertakings made on behalf of India in the United Nations must be applicable to cochin also. But it is an accident of the present constitutional set up in India that such legislations, even when passed by the Central Government do not apply to Cochin territory and to territories of other Indian States. But, we being part of India, it is our duty to enact a similar legislation, because, on behalf of India, undertakings have been made in the United Nations.

Another bill which has been passed by the Dominion Legislature is called the United Nations Privileges and Immunities Act, 1947. That Act has been passed for certain very important purposes. The United Nations organisation is sought to be made a legal person, that is an entity which can sue and be sued in Courts of Law by this Legislation. But, for this legislation, it would not have been sued. Then certain immunities and privileges are granted to the representatives of the United Nations Organisation in the territory of India. These are the objects of the Legislation called the United Nations Privileges and Immunities Act 1947. Now naturally after the passage of these legislations in the Central Legislature, the Government

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* Speech not corrected by the Hon'ble member.

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Statement of Objects and Reasons

Section 10 of the Vakils Act authorises only the making of rules in respect of fees payable by a party in respect of the fee of the vakil of his adversary and does not authorise the framing of rules for payment of fees payable by a party to his own vakil. In the Dominion of India there is a separate enactment dealing with this subject in which provision has been made for regulating the payment of fees to the Legal Practitioners employed by him. A provision analogous to this has been included in the Cochin Bar Councils Act, but this provision applies only to advocates and not to vakils. It is deemed necessary to empower the High Court to frame rules for the purpose just as they are empowered in the case of advocates. Hence the Bill.

APPENDIX VII

THE COCHIN TEA CULTIVATION RESTRICTION ACT (AMENDMENT) BILL

Preamble.—WHEREAS it is expedient further to amend the Cochin Tea Cultivation Restriction Act, V of 1110, for the purposes hereinafter appearing; It is heredy enacted as follows:—

1. *Short title and commencement.* (1) This Act may be called the Cochin Cultivation Restriction (Amendment) Act, of 112.

(2) It shall be deemed to have come into force with effect from the 1st day of April 1948.

2. In section 3 of the Cochin Tea Cultivation Restriction Act V of 1110, hereinafter referred to as the Act.—

(a) for the figures "1943" the figures "1948" shall be substituted.

(b) for the proviso the following shall be substituted:—

"Provided that this section shall apply to the replacing of tea areas by planting new areas, but nothing in this section shall prohibit.—

(a) the infilling or supplying of vacancies on land planted with tea on or before the 31st day of March, 1948 or the replanting of tea upon—

(i) land planted with tea on or before the 31st day of March 1948, from which the original bushes have been uprooted, or

(ii) land planted with tea on or before the 31st day of March, 1946 from which the original bushes have been uprooted; or

(b) the replacing of tea areas which are worn out on or before the 31st day of March 1948, by planting tea on area not planted with tea to the same extent, but not exceeding five percent, in each year of the total permissible acreage of the tea estate as on or before the 31st day of March 1948, subject to such replacement being accompanied by simultaneous uprooting of the tea bushes in the area so replaced."

3. *Amendment of section 3A.*—In section 3A of the Act;—

(1) in sub-section (1)—

(a) for the words "up to one-half of one per cent" the words "up to four per cent" shall be substituted,

(b) for the figures "1943" the figures "1948" shall be substituted; and

(c) the words beginning with "had the extension" and ending with "by one-half of one per cent" shall be omitted.

(2) in sub-section (2) for the words and figures "before the last day of June 1944" the words and figures "before the last day of March 1949" shall be substituted.

4. *Amendment of section 3B.*—In section 3B of the Act, for the figures "1943" the figures "1948" shall be substituted and for the words and figures "the last day of June 1944" the words and figures "last day of March 1949" shall be substituted.

5. *Amendment of section 3C.*—In sub-section (1) of section 3C of the Act after clause *(b)* the following shall be inserted namely:—

"or

(c) has since been resumed by the lessor under the terms of any lease and no longer carries tea."

6. *Amendment of section. 3D*—The proviso to sub-section (1) of section 3D of the Act shall be omitted.

7. *Amendment of section 15*—In sub-section (1) of section 15 of the Act, after the words "cease to be imposed", the words "or if they consider it necessary so to do for any other reason" shall be inserted.

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Statement of Objects and Reasons

The international trade agreement for regulation of the export of tea and for the control of extension of tea cultivation expired on 31st March 1948. Government of India had however with the consent of all the interests concerned entered into an interim arrangement for continuing the arrangement for two years more and amended their Act for this purpose and certain other purposes consequent on recent constitutional changes in India and have asked this Government to do so. It is necessary to give effect to the interim arrangement and the amendment Bill is mainly intended for this.

APPENDIX VIII

The united Nations Security Council and Privileges and Immunities Acts (Application) Bill

Preamble.—Whereas it is necessary to give effect to certain provisons of the Charter of the United Nations and to the Covention on the Privileges and Immunities of the United Nations and to enable similar privileges and Immunities to be enjoyed by the other international organisations and their representatives and officials; It is hereby enacted as follows.

1. *Short title extent and commencement.*—(1) This Act may be called the United Nations Security Council and Privileges of Immunities Acts (Application) Act of 112 .

(2) It shall extend to the whole of Cochin State and shall come into force at once.

2. *Application of the United Nations Security Council and Privileges of Immunities Acts.* The United Nations (Security Council) Act, 1947, and the United Nations (Privileges and Immunities) Act, 1947, enacted by the Government of India and all rules that may be issued, from time to time by that Government under the said enactments shall *mutatis mutandis* apply to Cochin State, and references in the said Acts or Rules to the Central Government shall, unless the context otherwise requires, be construed as references to the Government of Cochin.

3. *Empowering the courts to construe the provisions of the Acts.*—For the purpose of facilitating the application of the aforesaid Acts any court may construe any provision with such modifications not affecting the substance as may be necessary or proper to adopt the same to the matter before it.

4. *Exercise or performance of duties incidental to the operation of the Acts,*—Government may, by notification in the Cochin Government Gazette, direct by what persons or authority any jurisdiction, powers or duties incidental to the operation of the said Acts and Rules shall be exercised or performed.

APPENDIX

ACT No. XLIII OF 1947

(Passed by the Dominion Legislature)

Received the assent of the Governor-General on the 20th December 1947)

An Act to enable effect to be given to certain provisions of the Charter of the United Nations

Whereas it is expedient to enable to be given to certain provision of the Charter of the United Nations; It is hereby enacted as follows.—

1. *Short Title.*—This Act may be called the United Nations (Security Council)Act, 1947.

2. *Measures under article 41 of the Charter of the United Nations.*—If, under Article 41 of the Charter of the United Nations signed at San Francise on the 26th Day of June 1945 the Security Council of the United Nations calls upon the Central Government to apply any measures, not involving the use of armed force, to give effect to any decision of that Council, the Central Government may, by order published in the Official Gazette, make such provisions (including provisions having extra-territorial operation) as appear to it necessary or expedient for enabling those measures to be effectively applied, and without prejudice to the generality of the foregoing power, provision may be made for the punishment of persons offending against the order.

ACT No XLVI OF 1947

(Passed by the Dominion Legislature)

(Received the assent of the Governor-General on the 20th December 1947)

An Act to give effect to the Convention on the Privileges and Immunites of the United Nations

Whereas it is expedient to give effect to the Convention on the Privileges and Immunities of the United Nations, and to enable similar privileges and immunities to be enjoyed by other international organisations.

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